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10/777,597

02/11/2004

Paul Y. Kim

SF-4

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LANGLOTZ PATENT WORKS, INC.
PO BOX 759
GENOA, NV 89411

EXAMINER

CARIASO, ALAN B

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,597

Applicant(s)

KIM, PAUL Y.

Examiner

Alan Cariaso

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's amendment filed June 7, 2007 is acknowledged. Claims 1-20 are pending. Claims 1, 2, 4 and 12 are amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by MCDERMOTT (US 6,272,004 B1).
4. In regards to claims 1-3 and 10, MCDERMOTT '004 discloses a flashlight (100, fig.1) comprising: a single lamp (44, fig.3); a power storage element (B1-B4, fig.3); a single switch (activator 3 in figs.10-13 including rotatable lever 53 in figs.19-21 linked with rheostat-plunger 51/48 in fig.15) operable to be incremented through a sequence of states (H, D1, D2, col.9, line 45 to col.10, line 2) including an off state ("H" or "infinite resistance", col.9, line 60 to col.10, line 2) in addition to at least two different brightness states (D1, D2, col.10., lines 6-25); the switch being operable in response to a sequence of single momentary applications (col.10, lines 3-5) and releases of pressure to increment from a first one of the states in the sequence to a second one of the states in the sequence to a third one of the states in the sequence (col.10, lines 38-58); the

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first one of the states comprising operating the lamp at a first brightness (D2 col.10, lines 13-15) ; the second one of the states (D1) comprising operating the lamp at a different brightness (col.10, lines 22-25); the third one of the states comprising maintaining the lamp in an off condition (H); wherein the switch (3,53,59,51) is operable in response to a series of single momentary applications and release of pressure to increment sequentially through all of the states (col.10, lines 38-58); wherein the flashlight includes an elongated body (2, fig.10) and wherein the switch (3) is located at an intermediate portion (fig.2) of the body (2) away from the ends of the body (2); wherein the lamp (44) is an LED (col.7, lines 34-35) operable to generate a light output based on the power input, with an inherently consistent color of light output.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over MCDERMOTT (US 6,272,004 B1) in view of RACHWAL (US 6,388,390 B2).

7. MCDERMOTT discloses the claimed invention except a reflector having an optical axis and the lamp being positioned on the optical axis. RACHWAL teaches a reflector (16) inherently with a centered optical axis on which the lamp (14) is positioned for the purpose of reflecting light emitted lateral and posterior of the lamp (14) into one

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forward direction along the optical axis through the lens (20) in the same direction as forward light emitted by the lamp (14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the flashlight of MCDERMOTT to include the type of reflector and lamp position as taught by RACHWAL in order to efficiently direct most light emitted by the lamp to one general forward direction of illumination.

Allowable Subject Matter

8. Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 12-20 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not suggest a switch having a plurality of outputs connected via a corresponding plurality of conductive connections to the respective controller inputs; each connection corresponding to a operation state, including a sequence of states that includes an off state in addition to at least two different brightness states (claims 4-7); the switch includes an axially-movable element operable by a user's finger, and an internal rotatable element having a conductive contact and operable in response to an axial movement of the axially movable-element to rotate a fraction of a turn (claims 8 & 17); the switch connected to a network of resistors and

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includes a selected one of the resistors in a circuit including the lamp and the power source, not suggested by MCDERMOTT (US 6,272,004) (claim 9); a switch having a plurality of at least three electrical output contacts (claims 12-20).

Response to Arguments

11. Applicant's arguments with respect to at least claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James (Jong-Suk) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Alan Cariaso
Primary Examiner
Art Unit 2885

September 4, 2007
AC